

**MINUTES
REGULAR MEETING
RETIREMENT BOARD OF TRUSTEES
EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF BATON ROUGE
AND PARISH OF EAST BATON ROUGE
APRIL 29, 2021**

The regular meeting of the Retirement Board of Trustees was held in the Metropolitan Council Chambers at 222 St. Louis Street, due to social distancing requirements, and was called to order at 10:00 a.m. by Board Chairman Ms. Marsha Hanlon. Members present: Mr. J. Daniels, Mr. Brian Bernard, Mr. Mark LeBlanc, Mr. David West, and Chief Britt Hines. Absent: Deputy Chief Neal Noel. Staff present: Mr. Jeffrey Yates, Mr. Russell Smith, Mr. Mark Williams, and Mr. Kyle Drago. Others present: Ms. Denise Akers – legal counsel, and Mr. Joseph Toups – Council Budget Office.

Mr. Drago formally called the roll.

The chairman began by introducing Item 1, Reading and Approval of Minutes, and noted that there were minutes being considered for approval from the regular meeting of March 25, 2021, and called for a motion.

Motion by Mr. Bernard, seconded by Mr. West to suspend the reading of, and approve the minutes of the regular meeting of March 25, 2021 as presented.

No discussion and no objections.

Motion passed by those members present.

Under Item 2, Disability, there was one application for disability retirement. In answer to a question from Mr. West, Mr. Yates stated that this was the first medical report from the new medical consultant, Dr. Patel. Mr. Bernard questioned whether or not the examination was a duplication of what Human Resources was doing, considering that the City-Parish physicians do their own examination for ordinary disabilities. He noted that a City-Parish ordinance (1:470) was revived years ago, requiring HR to evaluate the disability applicant to determine whether or not there was another job the applicant could be placed in instead of disability retirement. Ms. Akers stated that there may be the possibility of conflict between the two doctors; HR's physician and CPERS' physician. Mr. Bernard explained the disability process from HR's standpoint. Mr. Williams explained the differences from CPERS' standpoint, and noted that the retirement rules are focused on whether or not the member can perform the requirements of the current job position. Ms. Akers recommended not making any decisions at this meeting because of the potential for conflict between the two processes. It was agreed that Ms. Akers could get information from HR to help determine if duplication of processes was occurring and could be avoided. The chairman also asked if the Parish Attorney's Office could offer language to avoid duplication.

1.) Mr. Cornelius Moore	Regular	Ordinary Disability
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Motion by Mr. LeBlanc, seconded by Mr. Daniels to approve the ordinary disability application for Mr. Cornelius Moore in accordance with the recommendation of the medical consultant.

No discussion and no objections.

Motion passed by those members present.

The next item on the agenda was Item 3, Benefits Report, and the chairman called on Mr. Yates to present the report. Mr. Yates noted that there was nothing unusual on the report and that it was in order as presented.

Motion by Mr. West, seconded by Mr. LeBlanc to approve the Benefits Report as presented.

No discussion and no objections.

Motion passed by those members present.

The next item on the agenda was Item 4, DROP Notifications Report, and it was noted that this report was provided for informational purposes only, and no action was necessary.

The chairman then moved to Item 5, Consultants' Reports, and under Item 5A, Status on Pending Legal Matters, recognized Ms. Akers for her legal update report. She noted that each Board member had a summary of the securities litigations that were in various stages of litigation. She noted no change in the MacroGenics suit, with all parties waiting on the ruling for the motion to dismiss. In the GreenSky litigation she noted that the Board's action from last meeting appeared to be progressing, but the documentation is still pending. She did read a brief statement from the litigation attorneys congratulating the Board for a positive result in this case. Regarding the Impinj lawsuit, we are waiting for the final settlement proceeds to be distributed. On the Energy Transfer case, the judge has denied the defendant's

motion to dismiss. The Merrit Medical suit also had a motion to dismiss, for which we are waiting the ruling of the judge. Following the report, there were no questions from the Board members.

The next item was Item 6, Committee Reports, and there were no reports for the Board's consideration.

Moving to Item 7, Staff Reports, the chairman noted that under Item 7C, there were invoices from the law offices of Akers & Wisbar, LLC, and called for a motion.

Motion by Mr. LeBlanc, seconded by Mr. Bernard to approve payment for the charges to the law firm of Akers & Wisbar, LLC as presented.

No discussion and no objections.

Motion passed by those members present.

Under Item 7D, there was an invoice from the law offices of Tarcza and Associates, LLC, and the chairman called for a motion.

Motion by Mr. LeBlanc, seconded by Mr. West to approve payment for the charges to the law firm of Tarcza and Associates, LLC as presented.

No discussion and no objections.

Motion passed by those members present.

Under 7F, there were a number of investment manager/consultant invoices for the Board's review.

Under 7G, Cash Activity Report, Mr. Drago presented only the budget comparison report, which will continue to be the case until May or June.

The chairman then moved to Item 8A, Discussion of Resignation of Retirement Board Medical Consultant, and Replacement Process, and recognized Mr. Yates for an update. Mr. Yates stated that the first disability review had gone well, and that Dr. Rubin Patel had written a clear and concise report. He noted that his fees are somewhat higher than the prior consultant, but that was to be expected. He also noted that the current contract was temporary, and the staff would now like to make it permanent. Although the fees are disclosed in the contract, there may be an occasional need to incur other fees for procedures recommended by the doctor. Mr. Yates stated that he was requesting that the Board approve the permanent contract with Dr. Patel. It was noted that there is a 30-day cancelation clause in the contract.

Motion by Mr. LeBlanc, seconded by Mr. West to approve the contract for medical consultant with Dr. Rubin Patel.

No discussion and no objections.

Motion passed by those members present.

Moving to Item 8B, Discussion of Opinion Letter and Follow-Up Letter from Tax Counsel Tarcza and Associates, the chairman stated that she had been working with the City in order to address the issues in the letter, and she had solicited the Board and staff's comments which were just received two days earlier. She noted she had not been able to review the comments yet. Once the comments are reviewed, she would want Bob Tarcza to review the proposed changes in order to see if they meet the requirements of the IRS. Then a meeting with the Mayor would be set up. Mr. West stated that he wanted to be clear that although Mr. LeBlanc, Mr. Yates, and Mr. Smith may ethically have a conflict, he still wanted their input in the process. Ms. Akers agreed that the overall process would benefit from their knowledge, and that Mr. Yates and Mr. Smith would not be voting on anything anyway. The chairman noted that anyone over the normal retirement age should not have a conflict by participating in the formation of ordinance language. The chairman stated that she had researched and modeled proposed language in the ordinances based on that of LASERS and Teachers' retirement systems. Some things are required, such as having no expectation of re-employment and imposing a waiting period before returning to work. The limits for the amount of pay vary between systems, and usually take the form of a percentage of retirement benefits or a percentage of average compensation or job position pay. Also, she noted that the City-Parish had agreed to pay employer contributions on the salaries of the rehired retirees. The targeted date for the new provisions would be January 1, 2022. The chairman then asked for a deferral for further review and to get recommendations from the tax attorney. She did note that a meeting with the City administration would be needed to make sure the City knows how the language would affect finances and some appointed positions.

Motion by Ms. Hanlon, seconded by Mr. LeBlanc to defer items 8B and 9A until the May meeting.

No discussion and no objections.

Motion passed by those members present.

The next item on the agenda was Item 9B, Consideration of Approval of Louisiana Compliance Questionnaire for 2020 CPERS Audit, and the chairman noted that this document is a routine part of the

annual audit that entails a number of questions that are answered by the entity (CPERS) for disclosure purposes.

Motion by Mr. LeBlanc, seconded by Mr. West to approve the Louisiana Compliance Questionnaire as presented.

No discussion and no objections.

Motion passed by those members present.

Under Item 10, Administrative Matters, there were no items to address.

The chairman then continued with Item 11, Police Guarantee Trust Matters, and under Item 11A, PGT Benefits Report, recognized Mr. Yates who stated that the report contained two items which were in order as presented. He noted a member who was classified as an in-service death, which made a significant difference in the amount of the benefit from MPERS.

Motion by Mr. West, seconded by Ms. Hanlon to approve the PGT Benefits Report as presented.

No discussion and no objections.

Motion passed by those members present.

Under Item 11B, the chairman noted that the PGT DROP Notifications Report was provided for the Board's information, and that no action was required.

Under Item 11C, Consultants' Reports, there were no items to address.

There were a number of investment manager invoices under Item 11D.1 for the Board's review.

Under Item 11D.2 there were no invoices to address.

Under Item 11D.3, PGT Cash Activity Report, Mr. Drago presented the budget comparison report and noted that there was nothing unusual to point out this month.

Under Item 11E.1, there were no matters for consideration.

Under Items 11F Unfinished Business, and 11G, there were no matters to address.

Seeing no further items on the agenda, the chairman called for a motion to adjourn.

Motion by Mr. LeBlanc, seconded by Mr. West to adjourn at 10:41 a.m.

No discussion and no objections.

Motion passed by those members present.

MARSHA HANLON
CHAIRMAN, RETIREMENT BOARD OF TRUSTEES

JEFFREY R. YATES
RETIREMENT ADMINISTRATOR